

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BASKIN-ROBBINS FRANCHISING LLC, et al.,

Plaintiffs/Counter-Defendants,

v.

Case No. 08-15322

N & J's, INC., et al.,

Defendants/Counter-Plaintiffs.

**ORDER TERMINATING DEFENDANTS'/COUNTER-PLAINTIFFS' 10/30/09 (1)
"MOTION FOR SUMMARY JUDGMENT" AND (2) "AMENDED MOTION TO
AMEND/CORRECT APPENDIX"**

On October 23, 2009, the court extended the deadline for filing dispositive motions to October 30, 2009. On October 30, 2009, both parties filed motions for summary judgment. The summary judgment motion and set of exhibits filed by Defendants/Counter-Plaintiffs N & J's, Inc. and Nadica Milosevski-Edwards ("Defendants") did not comply with the local court rules, primarily because the exhibits were filed as separate docket entries under the heading "Appendix." Defendants subsequently resubmitted their motion for summary judgment and exhibits correcting this error by including the exhibits within their motion entry with each exhibit containing its own docket link. In order to clarify the docket, the court will terminate Defendants' first summary judgment motion that did not comply with the local court rules.¹

¹Technically, Defendants' second submission also did not comply with the local court rules. The local rules require that "[m]argins be at least one and one-half inches on the top and one inch on the sides and bottom." E.D. Mich. LR 5.1(a). The margins for Defendants' motion and brief are one and five-eighths inches on the left and three-eighths of an inch on the right. Because these margins did not result in Defendants' getting additional pages of argument without leave, the court will not require them to

Additionally, Defendants filed an "Amended Motion to Amend/Correct Appendix." This filing, however, was not a motion, but instead was an index of exhibits and two additional exhibits, Exhibits 39 and 40. Because the index and Exhibits 39 and 40 are included in Defendants' resubmitted motion for summary judgment, the court will terminate the "Amended Motion to Amend/Correct Appendix" as moot. Accordingly,

IT IS ORDERED that Defendants' "Motion for Summary Judgment" [Dkt. # 30] is TERMINATED.

IT IS FURTHER ORDERED that Defendants' "Amended Motion to Amend/Correct Appendix" [Dkt. # 35] is TERMINATED as moot.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: November 9, 2009

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, November 9, 2009, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522

resubmit their motion again. For ease of reading, though, the court would encourage future submissions to comply with Local Rule 5.1(a).